

AMENDED IN ASSEMBLY APRIL 7, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1646

**Introduced by Committee on Higher Education (Liu (Chair),
Bass, Shirley Horton, Matthews, and Nava)**

February 22, 2005

An act relating to community colleges to amend Sections 70901.1, 71028, 71040, 72104, 72401, 72675, 72682, 76067, 76141, 76142, 76240, 76300, 76360, 76375, 78020, 78021, 78032, 78103, 78271, 84751, 85235, 85236, 85237, 85237.5, 85238, 85239, 85240, 85243, 85244, 85265.5, 85280, 85281, 85282, 85284, 85288, 85301, 85302, 87061, and 87781 of, to amend and renumber Section 72425 of, and to repeal Sections 66010.8 and 78275.5 of, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1646, as amended, Committee on Higher Education. ~~Community~~ Public postsecondary education: community colleges: ~~funding~~. technical revisions.

Existing

(1) Existing law establishes the University of California, the California State University, and the California Community Colleges as the 3 segments of public postsecondary education in the state. An existing provision of law prohibits a public institution of postsecondary education from admitting, enrolling, or permitting the attendance of any person who is not a citizen of the United States, an alien lawfully admitted as a permanent resident in the United States, or a person who is otherwise authorized under federal law to be present in the United States. This provision has been declared invalid by a federal court. ~~the~~

This bill would repeal this provision.

(2) *Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law establishes a system for the apportionment of state funding to community college districts. This system is generally based on calculations related to the number of full-time equivalent students (FTES) in attendance at each district.*

This bill would express the intent of the Legislature to enact legislation to make technical changes to the provision that establishes the system for the apportionment of state funding to community college districts recast and revise numerous statutes relating to the operation and organization of the California Community Colleges system and its component districts and campuses. The bill would make various nonsubstantive technical and conforming changes in these statutes. Among other technical and conforming revisions, the bill would change existing statutory references to “average daily attendance” to “full-time equivalent students (FTES),” references to “school” authorities and programs to “college” authorities and programs, and references to “certificated” personnel to “academic” personnel.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to enact~~
2 ~~legislation that will make technical changes to Section 84750 of~~
3 ~~the Education Code.~~
4 ~~SECTION 1. Section 66010.8 of the Education Code is~~
5 ~~repealed.~~
6 ~~66010.8. (a) No public institution of postsecondary education~~
7 ~~shall admit, enroll, or permit the attendance of any person who is~~
8 ~~not a citizen of the United States, an alien lawfully admitted as a~~
9 ~~permanent resident in the United States, or a person who is~~
10 ~~otherwise authorized under federal law to be present in the~~
11 ~~United States.~~

1 ~~(b) Commencing with the first term or semester that begins~~
2 ~~after January 1, 1995, and at the commencement of each term or~~
3 ~~semester thereafter, each public postsecondary educational~~
4 ~~institution shall verify the status of each person enrolled or in~~
5 ~~attendance at that institution in order to ensure the enrollment or~~
6 ~~attendance only of United States citizens, aliens lawfully~~
7 ~~admitted as permanent residents in the United States, and persons~~
8 ~~who are otherwise authorized under federal law to be present in~~
9 ~~the United States.~~

10 ~~(c) No later than 45 days after the admissions officer of a~~
11 ~~public postsecondary educational institution becomes aware of~~
12 ~~the application, enrollment, or attendance of a person determined~~
13 ~~to be, or who is under reasonable suspicion of being, in the~~
14 ~~United States in violation of federal immigration laws, that~~
15 ~~officer shall provide that information to the State Superintendent~~
16 ~~of Public Instruction, the Attorney General of California, and the~~
17 ~~United States Immigration and Naturalization Service. The~~
18 ~~information shall also be provided to the applicant, enrollee, or~~
19 ~~person admitted.~~

20 *SEC. 2. Section 70901.1 of the Education Code is amended to*
21 *read:*

22 70901.1. ~~(a)~~ The Board of Governors of the California
23 Community Colleges shall adopt regulations that permit the
24 governing board of a community college district to allow
25 applications for admission *and student residency determination*
26 *forms* to be submitted electronically. The regulations shall
27 require that applicants *and students* be informed of the relative
28 security of the information they submit electronically.

29 ~~(b) Upon adoption of a standard of encrypted digital signatures~~
30 ~~by the Secretary of State, the Board of Governors of the~~
31 ~~California Community Colleges shall adopt regulations that~~
32 ~~permit the governing board of a community college district to~~
33 ~~allow student residency determination forms to be submitted~~
34 ~~electronically.~~

35 *SEC. 3. Section 71028 of the Education Code is amended to*
36 *read:*

37 71028. The board of governors shall adopt regulations to
38 ensure that the California Community Colleges, as a system,
39 establish and apply ~~the statewide participation goals for~~
40 ~~contracting with minority business enterprises and women~~

1 ~~business enterprises specified in Section 10115 of the Public~~
2 ~~Contract Code. The statewide participation goal for the~~
3 ~~California Community Colleges shall be based upon the total~~
4 ~~dollar amount of contracts awarded, with not less than 15 percent~~
5 ~~being awarded to public works contracting processes that ensure~~
6 ~~nondiscrimination on the basis of race or gender and that~~
7 ~~provide equal opportunity for participation in public works~~
8 ~~contracting to all, including minority business enterprises, and~~
9 ~~not less than 5 percent being awarded to women business~~
10 ~~enterprises, and disabled veteran business enterprises. The~~
11 ~~regulations adopted by the board of governors shall be adapted~~
12 ~~from and consistent with the provisions of Article 1.5~~
13 ~~(commencing with Section 10115) of Chapter 1 of Part 1 of the~~
14 ~~Public Contract Code shall ensure that districts are authorized,~~
15 ~~to the extent legally permissible, to eliminate the~~
16 ~~underrepresentation of minority business enterprises, women~~
17 ~~business enterprises, and disabled veteran business enterprises~~
18 ~~in public works contracting.~~

19 *SEC. 4. Section 71040 of the Education Code is amended to*
20 *read:*

21 71040. The board of governors may allow actual and
22 necessary travel expenses to community college students, faculty,
23 staff, or other community college officials *or employer* who
24 serve on study teams, task forces, or similar groups formed by
25 the board of governors or by the chancellor's office and who, ~~as~~
26 ~~official student, faculty, staff, or official representatives in these~~
27 *capacities*, attend meetings of any association, organization, or
28 agency which has as its principal purpose the study of matters
29 pertinent to education or to a particular field or fields of
30 education relevant to community colleges.

31 *SEC. 5. Section 72104 of the Education Code is amended to*
32 *read:*

33 72104. No member of the governing board of a community
34 college district shall, during the term for which he *or she* was
35 elected, be eligible to serve on the governing board of a high
36 school district whose boundaries are coterminous with those of
37 the community college district.

38 *SEC. 6. Section 72401 of the Education Code is amended to*
39 *read:*

72401. (a) Notwithstanding any other provisions of law, any person may be permitted by the governing board of any community college district to serve as a nonteaching volunteer aide under the immediate supervision and direction of the ~~certificated~~ academic personnel of the district to perform noninstructional work—~~which that~~ serves to assist—~~such~~ ~~certificated~~ the academic personnel in the performance of teaching and administrative responsibilities. ~~Such a~~ A nonteaching volunteer aide shall not be an employee of the district and shall serve without compensation of any type or other benefits accorded to employees of the district, except as provided in Section 3364.5 of the Labor Code.

~~No district~~

(b) ~~No district~~ may abolish any of its classified positions and utilize volunteer aides, as authorized herein, in lieu of classified employees who are laid off as a result of the abolition of a position; ~~nor may a~~ A district *shall not* refuse to employ a person in a vacant classified position and use volunteer aides in lieu thereof.

~~It is the intent of the Legislature to permit community college districts to use volunteer aides to enhance its educational program but not to permit displacement of classified~~

(c) Volunteer aides may be used to enhance a district's educational program, but not to displace classified employees nor to allow districts to utilize volunteers in lieu of normal employee requirements.

SEC. 7. Section 72425 of the Education Code is amended and renumbered to read:

~~72425.~~

72024. (a) (1) In any community college district that is not located in a city and county, and in which the ~~average daily attendance~~ full-time equivalent students (FTES) for the prior ~~school~~ college year exceeded 60,000, the governing board may prescribe, as compensation for the services of each member of the board who actually attends all meetings held by the board, a sum not to exceed one thousand five hundred dollars (\$1,500) in any month.

(2) In any community college district in which the ~~average daily attendance~~ FTES for the prior ~~school~~ college year was 60,000 or less, but more than 25,000, each member of the

governing board of the district who actually attends all meetings held by the board, may receive as compensation for his or her services a sum not to exceed seven hundred fifty dollars (\$750) in any month.

(3) In any community college district in which the ~~average daily attendance~~ *FTES* for the prior ~~school~~ *college* year was 25,000 or less, but more than 10,000, each member of the governing board of the district who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed four hundred dollars (\$400) in any month.

(4) In any community college district in which the ~~average daily attendance~~ *FTES* for the prior ~~school~~ *college* year was 10,000 or less, but more than 1,000, each member of the governing board of the district who actually attends all meetings held by the board may receive as compensation for his or her services a sum not to exceed two hundred forty dollars (\$240) in any month.

(5) In any community college district in which the ~~average daily attendance~~ *FTES* for the prior ~~school~~ *college* year was 1,000 or less, but more than 150, each member of the governing board of the district who actually attends all meetings held by the board may receive as compensation for his or her services a sum not to exceed one hundred twenty dollars (\$120) in any month.

(b) Any member of a governing board who does not attend all meetings held by the board in any month may receive, as compensation for his or her services, an amount not greater than a pro rata share of the number of meetings actually attended based upon the maximum compensation authorized by this subdivision.

(c) The compensation of members of the governing board of a community college district newly organized or reorganized shall be governed by subdivision (a). For this purpose, the total ~~average daily attendance~~ *FTES* in all of the community colleges of the district in the ~~school~~ *college* year in which the organization or reorganization became effective ~~pursuant to Section 4062~~ shall be deemed to be the ~~average daily attendance~~ *FTES* in the district for the prior ~~school~~ *college* year.

(d) A member may be paid for any meeting when absent if the board by resolution duly adopted and included in its minutes finds that, at the time of the meeting, he or she is performing

services outside the meeting for the community college district, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the board. The compensation shall be a charge against the funds of the district.

(e) On an annual basis, the governing board may increase the compensation of individual board members beyond the limits delineated in this section, in an amount not to exceed 5 percent based on the present monthly rate of compensation. Any increase made pursuant to this section shall be effective upon approval by the governing board. The action may be rejected by a majority of the voters in that district voting in a referendum established for that purpose, as prescribed by Chapter 3 (commencing with Section 17200) of Part 2 of Division 17 of the Elections Code.

SEC. 8. Section 72675 of the Education Code is amended to read:

72675. (a) The board of directors of an auxiliary organization shall approve all expenditures and fund appropriations. Appropriations of funds for use outside of the normal business operations of the auxiliary organization shall be approved in accordance with district policy and regulations by an officer designated by the district governing board.

~~The~~
(b) ~~The district governing board, in consultation with the board of governors and the boards of directors of the various auxiliary organizations described in Section 72673~~ *accordance with regulations of the Board of Governors of the California Community Colleges, shall do all of the following:*

~~(a)~~
(1) Institute a standard systemwide accounting and reporting system for businesslike management of the operation of ~~such~~ *these* auxiliary organizations.

~~(b)~~
(2) Implement financial standards ~~which that will assure~~ *ensure* the fiscal viability of ~~such these~~ various auxiliary organizations. ~~Such~~ *The* standards shall include proper provision for professional management, adequate working capital, adequate reserve funds for current operations and capital replacements, and adequate provisions for new business requirements.

~~(c)~~

(3) Institute procedures to ~~assure~~ *ensure* that transactions of the auxiliary organizations are within the educational mission of the district.

~~(d)~~

(4) Develop policies for the appropriation of funds derived from indirect cost payments not required to implement ~~subdivision (b) paragraph (2)~~. Uses of ~~such~~ *these* funds shall be regularly reported to the district governing board.

SEC. 9. Section 72682 of the Education Code is amended to read:

72682. An auxiliary organization ~~which~~ *that* was in existence on August 31, 1980, shall continue to operate under ~~the provisions of~~ Article 6 (commencing with Section 72670) of Chapter 6 of Part 45, as it read immediately prior to August 30, 1980, until ~~such~~ *the* time, if any, ~~as~~ *that* the organization is ~~approved~~ *recognized* pursuant to this article.

SEC. 10. Section 76067 of the Education Code is amended to read:

76067. Any student political organization ~~which~~ *that* is affiliated with the official youth division of any political party that is on the ballot of the State of California may hold meetings on a community college campus, and may distribute bulletins and circulars concerning its meetings, provided that there is no endorsement of ~~such~~ *that* organization by the school authorities and no interference with the regular educational program of the ~~school~~ *district*.

SEC. 11. Section 76141 of the Education Code is amended to read:

76141. (a) In addition to the nonresident tuition fee established pursuant to Section 76140, a community college district may charge to nonresident students who are both citizens and residents of a foreign country an amount not to exceed the amount that was expended by the district for capital outlay in the preceding fiscal year divided by the total full-time equivalent students of the district in the preceding fiscal year. ~~Any~~

(b) ~~Any~~ fee charged pursuant to this section shall not exceed 50 percent of the nonresident tuition fee established pursuant to Section 76140. ~~Any~~

(c)(1) *Any* student who can demonstrate economic hardship or who is a victim of persecution or discrimination in the country in

1 which the student is a citizen and resident is exempt from this
2 fee.

3 For

4 (2) ~~For purposes of this subdivision~~ *section*, the governing
5 board of each community college district that chooses to impose
6 the ~~charge fee~~ authorized by this section shall adopt a definition
7 of economic hardship that encompasses the financial
8 circumstances of a person who is a recipient of benefits under the
9 ~~Aid to Families with Dependent Children Temporary Assistance~~
10 ~~for Needy Families~~ program described in Parts A and F of Title
11 IV of the Social Security Act (42 U.S.C., Secs. 601 et seq.), the
12 Supplemental Income/State Supplementary Program, or a general
13 assistance program.

14 ~~(b)~~

15 (d) Revenue from any fee charged pursuant to this section
16 shall be expended only for purposes of capital outlay,
17 maintenance, and equipment.

18 SEC. 12. Section 76142 of the Education Code is amended to
19 read:

20 76142. (a) A community college district may charge
21 nonresident applicants who are both citizens and residents of a
22 foreign country a processing fee not to exceed the lesser of: (1)
23 the actual cost of processing an application and other
24 documentation required by the federal government, or (2) one
25 hundred dollars (\$100), which may be deducted from the tuition
26 fee at the time of enrollment. ~~No~~

27 (b) No processing fee shall be charged to an applicant who
28 would be eligible for an exemption from nonresident tuition
29 pursuant to Section 76140 or who can demonstrate economic
30 hardship. For purposes of this section, the governing board of
31 each community college district that chooses to impose the fee
32 authorized by this section shall adopt a definition of economic
33 hardship that includes the financial circumstances of a person
34 who is a victim of persecution or discrimination in the foreign
35 country in which the applicant is a citizen and resident, or who is
36 a recipient of benefits under the ~~Aid to Families with Dependent~~
37 ~~Children Temporary Assistance for Needy Families~~ program
38 described in Parts A and F of Title IV of the Social Security Act
39 (42 U.S.C., Secs. 601 et seq.), the Supplemental Income/State
40 Supplementary Program, or a general assistance program.

1 *SEC. 13. Section 76240 of the Education Code is amended to*
2 *read:*

3 76240. (a) (1) Community college districts shall adopt a
4 policy identifying those categories of directory information, as
5 defined in ~~subdivision (b) of Section 76210 which~~ under Section
6 1232g of Title 20 of the United States Code as it exists on
7 January 1, 2006, that may be released. The names and addresses
8 of students may be provided to a private school or college
9 operating under Sections 8080 to 8093, inclusive, Sections 33190
10 and 33191, ~~Sections 60670 to 60672, inclusive,~~ or Sections
11 94000 to 94409, inclusive, or its authorized representative.
12 However, no private school or college shall use this information
13 for other than purposes directly related to the academic or
14 professional goals of the institution; ~~any violation~~

15 (2) ~~Any violation of this provision~~ *subdivision* is a
16 misdemeanor, punishable by a fine of not to exceed two thousand
17 five hundred dollars (\$2,500), and, in addition, the privilege of
18 the school or college to receive this information shall be
19 suspended for a period of two years from the time of discovery of
20 the misuse of the information.

21 ~~Any~~

22 (b) Any community college district may limit or deny the
23 release of specific categories of directory information based upon
24 a determination of the best interests of students.

25 ~~Directory~~

26 (c) *Directory* information may be released according to local
27 policy as to any former student or any student currently attending
28 the community college. However, public notice shall be given at
29 least annually of the categories of information which the district
30 plans to release and of the recipients. No directory information
31 shall be released regarding any student or former student when
32 the student or former student has notified the institution that the
33 information shall not be released.

34 *SEC. 14. Section 76300 of the Education Code is amended to*
35 *read:*

36 76300. (a) The governing board of each community college
37 district shall charge each student a fee pursuant to this section.

38 (b) (1) The fee prescribed by this section shall be ~~eighteen~~
39 ~~dollars (\$18) per unit per semester, effective with the fall term of~~
40 ~~the 2003-04 academic year.~~

1 ~~(2) Notwithstanding paragraph (1), the fee prescribed by this~~
2 ~~section shall be twenty-six dollars (\$26) per unit per semester,~~
3 ~~effective with the fall term of the 2004–05 academic year.~~

4 ~~(3)~~

5 (2) The ~~chancellor~~ *board of governors* shall proportionately
6 adjust the amount of the fee for term lengths based upon a
7 quarter system, and also shall proportionately adjust the amount
8 of the fee for summer sessions, intersessions, and other
9 short-term courses. In making these adjustments, the ~~chancellor~~
10 *board of governors* may round the per unit fee and the per term
11 or per session fee to the nearest dollar.

12 (c) For the purposes of computing apportionments to
13 community college districts pursuant to Section 84750, the
14 ~~chancellor~~ *board of governors* shall subtract, from the total
15 revenue owed to each district, 98 percent of the revenues
16 received by districts from charging a fee pursuant to this section.

17 (d) The ~~chancellor~~ *board of governors* shall reduce
18 apportionments by up to 10 percent to any district that does not
19 collect the fees prescribed by this section.

20 (e) The fee requirement does not apply to any of the
21 following:

22 (1) Students enrolled in the noncredit courses designated by
23 Section 84757.

24 (2) California State University or University of California
25 students enrolled in remedial classes provided by a community
26 college district on a campus of the University of California or a
27 campus of the California State University, for whom the district
28 claims an attendance apportionment pursuant to an agreement
29 between the district and the California State University or the
30 University of California.

31 (3) Students enrolled in credit contract education courses
32 pursuant to Section 78021, if the entire cost of the course,
33 including administrative costs, is paid by the public or private
34 agency, corporation, or association with which the district is
35 contracting and if these students are not included in the
36 calculation of the full-time equivalent students (FTES) of that
37 district.

38 (f) The governing board of a community college district may
39 exempt special part-time students admitted pursuant to Section
40 76001 from the fee requirement.

(g) (1) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a recipient of benefits under the Temporary Assistance to Needy Families program, the Supplemental Security Income/State Supplementary Program, or a general assistance program or has demonstrated financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.

(2) The governing board of a community college district also shall waive the fee requirements of this section for any student who demonstrates eligibility according to income standards established by *regulations of* the board of governors ~~and contained in Section 58620 of Title 5 of the California Code of Regulations.~~

(h) The fee requirements of this section shall be waived for any student who, at the time of enrollment is a dependent, or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state. "Active service of the state," for the purposes of this subdivision, refers to a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

(i) The fee requirements of this section shall be waived for any student who is the surviving spouse or the child, natural or adopted, of a deceased person who met all of the requirements of Section 68120.

(j) The fee requirements of this section shall be waived for any student in an undergraduate program, including a student who has previously graduated from another undergraduate or graduate program, who is the dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon or the crash of United Airlines Flight 93 in southwestern Pennsylvania, if that dependent meets the financial need requirements set forth in Section 69432.7 for the Cal Grant A Program and either of the following apply:

(1) The dependent was a resident of California on September 11, 2001.

1 (2) The individual killed in the attacks was a resident of
2 California on September 11, 2001.

3 (k) A determination of whether a person is a resident of
4 California on September 11, 2001, for purposes of subdivision (j)
5 shall be based on the criteria set forth in Chapter 1 (commencing
6 with Section 68000) of Part 41 for determining nonresident and
7 resident tuition.

8 (l) (1) “Dependent,” for purposes of subdivision (j), is a
9 person who, because of his or her relationship to an individual
10 killed as a result of injuries sustained during the terrorist attacks
11 of September 11, 2001, qualifies for compensation under the
12 federal September 11th Victim Compensation Fund of 2001
13 (Title IV (commencing with Section 401) of Public Law 107-42).

14 (2) A dependent who is the surviving spouse of an individual
15 killed in terrorist attacks of September 11, 2001, is entitled to the
16 waivers provided in this section until January 1, 2013.

17 (3) A dependent who is the surviving child, natural or adopted,
18 of an individual killed in the terrorist attacks of September 11,
19 2001, is entitled to the waivers under subdivision (j) until that
20 person attains the age of 30 years.

21 (4) A dependent of an individual killed in the terrorist attacks
22 of September 11, 2001, who is determined to be eligible by the
23 California Victim Compensation and Government Claims Board,
24 is also entitled to the waivers provided in this section until
25 January 1, 2013.

26 (m) (1) It is the intent of the Legislature that sufficient funds
27 be provided to support the provision of a fee waiver for every
28 student who demonstrates eligibility pursuant to subdivisions (g)
29 to (j), inclusive.

30 (2) From funds provided in the annual Budget Act, the board
31 of governors shall allocate to community college districts,
32 pursuant to this subdivision, an amount equal to 2 percent of the
33 fees waived pursuant to subdivisions (g) to (j), inclusive. From
34 funds provided in the annual Budget Act, the board of governors
35 shall allocate to community college districts, pursuant to this
36 subdivision, an amount equal to ninety-one cents (\$0.91) per
37 credit unit waived pursuant to subdivisions (g) to (j), inclusive,
38 for determination of financial need and delivery of student
39 financial aid services, on the basis of the number of students for
40 whom fees are waived. Funds allocated to a community college

1 district for determination of financial need and delivery of
2 student financial aid services shall supplement, and shall not
3 supplant, the level of funds allocated for the administration of
4 student financial aid programs during the 1992–93 fiscal year.

5 (n) The board of governors shall adopt regulations
6 implementing this section.

7 *SEC. 15. Section 76360 of the Education Code is amended to*
8 *read:*

9 76360. (a) (1) The governing board of a community college
10 district may require students in attendance and ~~employees~~
11 ~~employees~~ of the district to pay a fee, in an amount not to exceed
12 forty dollars (\$40) per semester and twenty dollars (\$20) per
13 intersession to be established by the board, for parking services.
14 The fee shall only be required of students and employees using
15 parking services and shall not exceed the actual cost of providing
16 parking services.

17 ~~To~~
18 (2) *To* encourage ridesharing and carpooling, for a student
19 who certifies, in accordance with procedures established by the
20 board, that he or she regularly has two or more passengers
21 commuting to the community college with him or her in the
22 vehicle parked at the community college, the fee shall not exceed
23 thirty dollars (\$30) per semester and ten dollars (\$10) per
24 intersession.

25 (b) (1) The governing board may require payment of a
26 parking fee at a campus in excess of the limits set forth in
27 subdivision (a) for the purpose of funding the construction of
28 on-campus parking facilities if both of the following conditions
29 exist at the campus:

30 ~~(1)~~
31 (A) The full-time equivalent (FTES) per parking space on the
32 campus exceeds the statewide average FTES per parking space
33 on community college campuses.

34 ~~(2)~~
35 (B) The market price per square foot of land adjacent to the
36 campus exceeds the statewide average market price per square
37 foot of land adjacent to community college campuses.

38 ~~If~~

1 (2) If the governing board requires payment of a parking fee in
2 excess of the limits set forth in subdivision (a), the fee may not
3 exceed the actual cost of constructing a parking structure.

4 (c) Students who receive financial assistance pursuant to any
5 programs described in subdivision (g) of Section 76300 shall be
6 exempt from parking fees imposed pursuant to this section that
7 exceed twenty dollars (\$20) per semester.

8 (d) The governing board of a community college district may
9 also require the payment of a fee, to be established by the
10 governing board, for the use of parking services by persons other
11 than students and employees.

12 (e) All parking fees collected shall be deposited in the
13 designated fund of the district in accordance with the California
14 Community Colleges Budget and Accounting Manual, and shall
15 be expended only for parking services or for purposes of
16 reducing the costs to students and employees of the college of
17 using public transportation to and from the college.

18 (f) Fees collected for use of parking services provided for by
19 investment of student body funds under the authority of Section
20 76064 shall be deposited in a designated fund in accordance with
21 the California Community Colleges Budget and Accounting
22 Manual for repayment to the student organization.

23 (g) "Parking services," as used in this section, means the
24 purchase, construction, and operation and maintenance of
25 parking facilities for vehicles and motor vehicles as defined by
26 Sections 415 and 670 of the Vehicle Code.

27 *SEC. 16. Section 76375 of the Education Code is amended to*
28 *read:*

29 76375. (a) (1) ~~The governing board—of—trustees~~ of a
30 community college district may establish an annual building and
31 operating fee for the purpose of financing, constructing,
32 enlarging, remodeling, refurbishing, and operating a student body
33 center, which fee shall be required of all students attending a
34 community college where the student body center is to be
35 located. ~~The~~

36 (2) ~~The~~ fee shall be imposed by the ~~governing board—of—~~
37 ~~trustees~~, at its option, only after a favorable vote of two-thirds of
38 the students voting in an election held for that purpose at a
39 community college, in the manner prescribed by the ~~Chancellor~~
40 *Board of Governors* of the California Community Colleges, and

1 open to all regular students enrolled in credit classes at the
2 community college. The election shall occur on a regularly
3 scheduled ~~school day~~ *college day* and at least 20 percent of the
4 students enrolled in credit classes as of October 1 of the ~~school~~
5 *college* year during which the election is held must cast a ballot
6 for the election to be declared valid. ~~The~~

7 (3) *The* annual building and operating fee shall not exceed one
8 dollar (\$1) per credit hour, up to a maximum of ten dollars (\$10)
9 per student per fiscal year. The fee requirement shall not apply to
10 students enrolled in the noncredit courses designated by Section
11 ~~84711~~ 84757. The fee requirement shall not apply to a student
12 who is a recipient of the benefits under the ~~Aid to Families with~~
13 ~~Dependent Children~~ *Temporary Assistance for Needy Families*
14 program, the Supplemental Security Income/State Supplementary
15 Program, or the General Assistance program.

16 ~~The~~
17 (4) *The* fee authorized by this section shall be supplemental to
18 all other fees charged to community college students.

19 ~~If~~
20 (5) *If* fee income is used to retire obligations the district incurs
21 when it uses a revenue bond to construct a student center, the fee
22 shall remain in effect at least until the bond obligation is retired.

23 (b) ~~The chief fiscal officer of each~~ *Each* community college
24 district shall be responsible for the custody of the moneys
25 collected pursuant to this section, and shall provide the necessary
26 accounting records and controls thereof. The district shall be
27 reimbursed from these funds in an amount to cover the cost of
28 custodial and accounting services provided by the district in
29 connection with these funds. These funds may be expended by
30 ~~the chief fiscal officer~~ *district* only upon submission and
31 approval of the appropriate claim schedule by the student
32 government or its designee.

33 (c) All unexpended funds and money collected by any
34 community college district pursuant to this section shall be
35 available for financing, constructing, enlarging, remodeling,
36 refurbishing, and operating a student body center, and until so
37 used, shall, subject to the approval of the student government, be
38 deposited or invested in trust by ~~the chief fiscal officer of the~~
39 *appropriate district official* in any one or more of the following
40 ways:

1 (1) Deposits in trust accounts of a bank or banks whose
2 accounts are insured by the Federal Deposit Insurance
3 Corporation.

4 (2) Investment certificates or withdrawable shares in state
5 chartered savings and loan associations and savings accounts of
6 federal savings and loan associations, if the associations are
7 doing business in this state and have their accounts insured by the
8 Federal Savings and Loan Insurance Corporation.

9 (3) Purchase of any of the securities authorized for investment
10 by Section 16430 of the Government Code.

11 (4) Participation funds that are exempt from federal income
12 tax pursuant to Section 501(c)(3) of the ~~Internal Revenue~~ *Title 26*
13 *of the United States* Code and that are open exclusively to
14 nonprofit colleges, universities, and independent schools.

15 (5) Investment certificates or withdrawable shares in federal or
16 state credit unions, if the credit unions are doing business in this
17 state and have their accounts insured by the National Credit
18 Union Administration and if any money so invested or deposited
19 is invested or deposited in certificates, shares, or accounts fully
20 recovered by that insurance.

21 (6) Deposits with the county treasurer of the county in which
22 the district is located.

23 (d) The student government of a community college with an
24 annual building and operating fee pursuant to this section shall
25 determine the appropriate uses of the fee income and the student
26 body center facility itself.

27 *SEC. 17. Section 78020 of the Education Code is amended to*
28 *read:*

29 78020. For purposes of this article:

30 (a) “Contract education” means those situations in which a
31 community college district contracts with a public or private
32 entity for the purposes of providing instruction or services or
33 both by the community college.

34 (b) “Credit” refers to any class offered for community college
35 credit, regardless of whether the class generates state
36 apportionments.

37 (c) “Noncredit” refers to courses that meet the criteria for
38 apportionment pursuant to Section ~~84711~~ 84757.

39 (d) “Not-for-credit” refers to classes, including community
40 services classes, that are offered without credit and ~~which~~ *that*

1 are not eligible for apportionments pursuant to Section ~~84711~~
2 ~~84757~~.

3 *SEC. 18. Section 78021 of the Education Code is amended to*
4 *read:*

5 78021. (a) The governing board of any community college
6 district may establish, or with one or more community college
7 districts may establish, contract education programs within or
8 outside the state by agreement with any public or private agency,
9 corporation, association, or any other person or body, to provide
10 specific educational programs or training to meet the specific
11 needs of these bodies.

12 ~~The~~

13 (b) *The* contracting community college district or districts
14 shall recover, from all revenue sources, including, but not
15 necessarily limited to, public and private sources, or any
16 combination thereof, an amount equal to, but not less than, the
17 actual costs, including administrative costs, incurred in providing
18 these programs or training.

19 ~~The~~

20 (c) *The* attendance of students in these contract education
21 programs shall not be included for purposes of calculating the
22 ~~average daily attendance~~ *full-time equivalent students (FTES)* for
23 apportionments to these districts, unless all statutory and
24 regulatory conditions for generating ~~average daily attendance~~
25 *FTES* are met.

26 *SEC. 19. Section 78032 of the Education Code is amended to*
27 *read:*

28 78032. (a) ~~Notwithstanding Section 78031, the~~ *The* Board of
29 Governors of the California Community Colleges may, pursuant
30 to a finding that one or more of the following concerns in any
31 community college district requires the restriction of interdistrict
32 attendance, impose one or more restrictions upon interdistrict
33 attendance with regard to that district as it deems necessary:

34 (1) Protection of the financial health of the district, and of
35 educational program integrity, including, but not limited to,
36 maintenance of the appropriate quality and scope of student
37 educational opportunity.

38 (2) The need to avoid overcrowding, in light of the available
39 space in the district.

1 (3) The priority that resident students not be displaced by
2 students who do not reside in the district.

3 ~~(4) The avoidance of any serious disruption in the ethnic~~
4 ~~balance of the student population of any affected district.~~

5 (b) No restriction adopted under subdivision (a) shall apply for
6 a period of longer than two years, absent additional action of the
7 board of governors to continue that restriction.

8 (c) (1) No community college district shall recruit any student
9 who is a resident of any other community college district, except
10 where an agreement exists between those districts authorizing
11 each district to recruit within the boundaries of the other district.

12 (2) If, pursuant to an agreement as described in paragraph (1),
13 a community college district recruits within the boundaries of
14 another community college district, it shall recruit from all high
15 schools within that other district, and may not favor any high
16 schools over other high schools within that other district ~~unless it~~
17 ~~is intended to improve the racial balance of the recruiting~~
18 ~~community college district.~~

19 (3) For purposes of this section:

20 (A) "Recruiting" means either or both of the following actions
21 by a community college district, where the apparent purpose is to
22 encourage student attendance in that district:

23 (i) The mailing by a community college district, to any address
24 not within its boundaries, of class schedules or other written
25 information, except to current or former students of the district or
26 at the addressee's request.

27 (ii) The personal visit by a representative of the community
28 college district to any high school, except in response to an
29 invitation from the school district of which the high school is a
30 part.

31 (B) "Recruiting" does not include any information provided by
32 a community college district through radio, television, or any
33 newspaper or other publication that is not published or otherwise
34 issued by the district, and for which distribution is not limited to
35 residents of the district.

36 (d) The board of governors shall authorize the Chancellor of
37 the California Community Colleges to retain in any fiscal year an
38 amount of up to 5 percent of the appropriation calculated under
39 Chapter 5 (commencing with Section 84700) of Part 50 as a
40 penalty applicable to any community college district that violates

1 this article, including, but not necessarily limited to, any
2 restriction imposed by the board of governors under this section.
3 Any funds retained pursuant to this subdivision shall revert to the
4 General Fund.

5 *SEC. 20. Section 78103 of the Education Code is amended to*
6 *read:*

7 78103. The libraries shall be open for the use of the faculty
8 and the students of the community college district during the day.
9 In addition, the libraries may be open at other hours, including
10 evenings and Saturdays, as the governing board may determine.
11 Libraries open to serve students during evening and Saturday
12 hours shall be under the supervision of ~~certificated academic~~ *academic*
13 ~~personnel or those employed pursuant to minimum standards~~
14 ~~adopted by the board of governors.~~

15 *SEC. 21. Section 78271 of the Education Code is amended to*
16 *read:*

17 78271. The ~~State Department of Aeronautics~~ *Transportation*
18 is authorized to make available to community colleges offering
19 actual flight experience as part of the regular curriculum a basic
20 insurance program and to ~~assure~~ *ensure* that adequate supervision
21 and precautionary measures are taken by the flight school
22 operators contracted to provide services for community college
23 students. The governing board of any community college district
24 offering actual flight experience as part of the regular curriculum
25 may participate in the basic insurance program provided by the
26 ~~commission~~ *department*, and pay from the funds of the district a
27 pro rata share of the cost of the insurance program.

28 *SEC. 22. Section 78275.5 of the Education Code is repealed.*

29 ~~78275.5. (a) On or before January 1, 2003, the Chancellor of~~
30 ~~the California Community Colleges, in consultation with the~~
31 ~~Chancellor of the California State University, the President of the~~
32 ~~University of California, the Association of Independent~~
33 ~~California Colleges and Universities, and with representatives of~~
34 ~~accredited colleges and universities in other states, shall submit a~~
35 ~~written report to the Legislature on the feasibility of the~~
36 ~~development of all of the following for operation commencing~~
37 ~~with the 2004-05 academic year:~~

38 ~~(1) The establishment of a model teacher preparation~~
39 ~~curriculum that would be available to qualified students in each~~
40 ~~community college district in the state.~~

1 ~~(2) The establishment of financial incentives, including, but~~
2 ~~not necessarily limited to, grant, loan, and loan forgiveness~~
3 ~~programs, for community college students who wish to become~~
4 ~~teachers.~~

5 ~~(3) The offering of community college teacher preparation~~
6 ~~courses that will provide academic credits that are fully~~
7 ~~transferable to the California State University.~~

8 ~~(4) The guaranteeing of the transfer of students who~~
9 ~~successfully complete the community college teacher preparation~~
10 ~~curriculum to appropriate status in teacher preparation programs~~
11 ~~of the California State University.~~

12 ~~(b) Prior to the implementation or funding of any~~
13 ~~recommendations of the feasibility study pursuant to subdivision~~
14 ~~(a), the Chancellor of the California Community Colleges shall~~
15 ~~report during the 2003-04 legislative budget hearings on the~~
16 ~~fiscal implications of implementing any or all recommendations~~
17 ~~of the feasibility study.~~

18 *SEC. 23. Section 84751 of the Education Code is amended to*
19 *read:*

20 84751. In calculating each community college district's
21 revenue level for each fiscal year pursuant to subdivision (a) of
22 Section 84750, the ~~chancellor~~ *board of governors* shall subtract,
23 from the total revenues owed, all of the following:

24 (a) The local property tax revenue specified by law for general
25 operating support, exclusive of bond interest and redemption.

26 (b) Ninety-eight percent of the fee revenues collected pursuant
27 to ~~Sections~~ *Section 76300 and 76330*.

28 (c) Timber yield tax revenues received pursuant to Section
29 38905.1 of the Revenue and Taxation Code.

30 (d) Any amounts received pursuant to Section 33492.15,
31 33607.5, or 33607.7 of the Health and Safety Code, and Section
32 33676 of the Health and Safety Code as amended by Section 2 of
33 Chapter 1368 of the Statutes of 1990, that are considered to be
34 from property tax revenues pursuant to those sections for the
35 purposes of community college revenue levels, except those
36 amounts that are allocated exclusively for educational facilities.

37 ~~(e) Ninety-eight percent of the revenues received through~~
38 ~~collection of a student fee from a student enrolled in the district~~
39 ~~who registered or enrolled between July 1, 1995, and the date this~~
40 ~~act becomes operative.~~

1 ~~(f) This section shall become operative on January 1, 1997.~~

2 *SEC. 24. Section 85235 of the Education Code is amended to*
3 *read:*

4 85235. Each order drawn against the funds of a community
5 college district shall be transmitted to the county superintendent
6 of schools, and, if approved and signed by him *or her* shall
7 become a requisition on the county auditor. The county
8 superintendent may prescribe alternative procedures for districts
9 determined to be fiscally accountable pursuant to Section 85266.

10 *SEC. 25. Section 85236 of the Education Code is amended to*
11 *read:*

12 85236. The county superintendent of schools may examine
13 each order on community college district funds transmitted to
14 him *or her*, in the order in which it is received in his *or her*
15 office. If it appears that the order is properly drawn for the
16 payment of legally authorized expenses against the proper funds
17 of the district, and that there are sufficient moneys in the fund or
18 funds against which the order is drawn to pay it, he *or she* shall
19 endorse upon it “examined and approved,” and shall, in
20 attestation thereof, affix his *or her* signature and number and date
21 the requisition and transmit it directly to the county auditor, in
22 the order in which the order is received in his *or her* office. The
23 county superintendent may prescribe alternative methods for
24 districts determined to be fiscally accountable pursuant to
25 Section 85266.

26 *SEC. 26. Section 85237 of the Education Code is amended to*
27 *read:*

28 85237. (a) If, at any time during a fiscal year, the county
29 superintendent of schools concludes that the expenditures of a
30 community college district *in the territory* within his *or her*
31 jurisdiction are likely to exceed the anticipated income of the
32 district for that fiscal year, he *or she* shall notify ~~such~~ the district
33 in writing of ~~such~~ that conclusion, and ~~he~~ may conduct a
34 comprehensive review of the financial and budgetary conditions
35 of the district. ~~The~~

36 (b) ~~The~~ superintendent shall report his *or her* findings and
37 ~~recommendation~~ *recommendations under this section* to the
38 governing board of the district, and may include
39 recommendations of methods by which the budgeted
40 expenditures for the balance of the fiscal year may be brought

1 into balance with the revenue of the district. ~~Such~~ The report
2 shall be made to the governing board at a public meeting of the
3 governing board. The governing board shall, no later than 15
4 days after receipt of ~~such the~~ report, notify the county
5 superintendent of schools of its proposed actions on ~~his~~ those
6 recommendations.

7 *SEC. 27. Section 85237.5 of the Education Code is amended*
8 *to read:*

9 85237.5. (a) At any time during a fiscal year, the county
10 superintendent may audit the expenditures and internal controls
11 of community college districts he *or she* determines to be fiscally
12 accountable. The county superintendent shall report his *or her*
13 findings and recommendation to the governing board of the
14 district. ~~The~~

15 (b) The governing board shall, no later than 15 days after
16 receipt of ~~such the~~ report *made under this section*, notify the
17 county superintendent of schools of its proposed actions on his *or*
18 *her* recommendation. Upon review of the governing board report,
19 the county superintendent, at his *or her* discretion, may revoke
20 the authority for the district to be fiscally accountable pursuant to
21 Section 85266.

22 *SEC. 28. Section 85238 of the Education Code is amended to*
23 *read:*

24 85238. If the order is disapproved by the county
25 superintendent of schools, it shall be returned to the governing
26 board of the community college district, except as otherwise
27 provided in this code for the registration of warrants, with a
28 statement of his *or her* reasons for disapproving the order.

29 *SEC. 29. Section 85239 of the Education Code is amended to*
30 *read:*

31 85239. (a) The county auditor may examine each order and
32 requisition on community college district funds transmitted ~~to~~
33 ~~him~~ by the county superintendent of schools. If ~~he~~ the county
34 auditor allows the order and requisition, he *or she* shall endorse
35 thereon “examined and allowed,” and shall date, number, and
36 sign it, whereupon it shall become a warrant on the county
37 treasurer. The county auditor shall detach any bill attached to the
38 requisition, and shall number the bill, giving it the same number
39 ~~which he gives~~ given to the warrant, and file it in his *or her*
40 office. ~~He~~ The county auditor shall thereupon return the order,

1 requisition, and warrant to the county superintendent of schools,
2 who shall transmit it to the governing board of the district for
3 issuance to the payee or to ~~his~~ *the order of the payee*.

4 ~~Any~~

5 *(b)(1) Any* requisition of the county superintendent of schools,
6 whether based upon written order of the governing board of a
7 ~~school~~ *community college* district or authorized by law, shall
8 constitute full authority for the signature for allowance thereof by
9 the county auditor as a warrant on the county treasurer, and no
10 other authority shall be necessary or required for ~~such~~ *that* action
11 by the county auditor.

12 ~~“Requisition,”~~

13 *(2) “Requisition,”* as used in this section, includes any order
14 or demand signed by the county superintendent of schools
15 directing the county auditor to draw his *or her* warrant on the
16 county treasurer.

17 *SEC. 30. Section 85240 of the Education Code is amended to*
18 *read:*

19 85240. *(a) In lieu of drawing* ~~his~~ *a* warrant as provided in
20 Section 85239, the county auditor may, with the approval of the
21 governing board of the community college district, endorse, date,
22 and number the order and requisition, and may prepare a separate
23 warrant on the county treasurer for the same amount as the order
24 and requisition. The warrant shall show that it had been drawn on
25 the order of a community college district ~~naming~~, *shall name* the
26 community college district, and shall show; the payee; *and* date
27 of issue, as well as other information deemed appropriate by the
28 *county* auditor.

29 ~~The~~

30 *(b) The county* auditor shall draw ~~such~~ *the* separate warrant by
31 signing it, and no other signature shall be required. Thereupon,
32 the *county* auditor shall transmit the separate warrant to the
33 county superintendent of schools, who shall transmit it to the
34 governing board of the district for issuance to the payee or to ~~his~~
35 *the order of the payee*, or, with the approval of the governing
36 board of the district, shall transmit it to the payee.

37 ~~The~~

38 *(c) The* order and requisition may direct the transfer of the
39 amount of the separate warrant from the funds of the district to a
40 clearing fund in the county treasury ~~(to,~~ *which shall* be known as

1 ~~the schools commercial revolving fund~~) *Schools Commercial*
2 *Revolving Fund*, to the end that separate warrants for all districts
3 may be drawn against a single revolving fund.

4 *SEC. 31. Section 85243 of the Education Code is amended to*
5 *read:*

6 85243. (a) The county superintendent of schools ~~of each~~
7 ~~county~~ shall keep, open to the inspection of the public, a register
8 of warrants, showing the fund upon which the requisitions have
9 been drawn, the number, in whose favor, and for what purpose
10 they were drawn.

11 ~~The~~
12 (b) *The* county superintendent of schools shall prescribe rules
13 for community college districts ~~he determines~~ *determined* to be
14 fiscally accountable, pursuant to Section 85266, that retain copies
15 of warrants and supporting documents within the district files.

16 *SEC. 32. Section 85244 of the Education Code is amended to*
17 *read:*

18 85244. (a) Orders for the payment of wages and payroll
19 orders for the payment of wages of employees employed full
20 time in positions ~~not requiring certification qualifications that are~~
21 ~~not academic positions~~ shall be drawn twice during each calendar
22 month on days designated in advance by the governing board of
23 each community college district to which this section is made
24 applicable. Labor performed between the 1st and 15th days,
25 inclusive, of any calendar month shall be paid for between the
26 16th and 26th day of the month during which the labor was
27 performed, and labor performed between the 16th and the last
28 day inclusive, of any calendar month, shall be paid for between
29 the 1st and 10th day of the following month.

30 ~~The~~
31 (b) *The* governing board of each community college district
32 ~~which that has an average daily attendance of 5,000 or more~~
33 ~~full-time equivalent students (FTES), and the governing board of~~
34 ~~each district with an average daily attendance of less than 5,000~~
35 ~~FTES in a county with a population in excess of 4,000,000~~
36 ~~persons as determined by the 1960 federal census, shall make the~~
37 ~~provisions of this section applicable to the board, whenever a~~
38 ~~majority of the employees of the district employed full time in~~
39 ~~positions not requiring certification qualifications that are not~~
40 ~~academic positions~~ petition the board in writing to do so.

1 The

2 (c) ~~The governing board of a community college district which~~
3 ~~that has an average daily attendance of less than 5,000 FTES,~~
4 ~~other than such a school community college district situated in a~~
5 ~~county with a population in excess of 4,000,000 persons as~~
6 ~~determined by the 1960 federal census, may, on the petition in~~
7 ~~writing of a majority of the employees of the district employed~~
8 ~~full time in positions not requiring certification qualifications~~
9 ~~that are not academic positions, make the provisions of this~~
10 ~~section applicable to the board.~~

11 SEC. 33. *Section 85265.5 of the Education Code is amended*
12 *to read:*

13 85265.5. (a) In a county in which the board of supervisors has
14 transferred educational functions to the county board of
15 education pursuant to Section 1080, and a single budget has been
16 authorized for the purposes of the county school service fund,
17 county board of education, county committee on school district
18 organization, and the office of the county superintendent of
19 schools pursuant to Sections 1620 to 1625, inclusive, the duties
20 of the county auditor specified in ~~Articles~~ Article 4 (commencing
21 with Section 85230) and ~~5 (commencing with Section 85260) of~~
22 ~~this chapter~~ this article shall be performed by the county
23 superintendent of schools.

24 A

25 (b) A listing of all warrants approved and allowed by the
26 county superintendent of schools pursuant to this section shall be
27 forwarded to the county auditor on the same day the warrants are
28 forwarded to the district or the payee. The form of the warrant
29 and the form and content of the warrant listing shall be as
30 prescribed by the county auditor.

31 Notwithstanding

32 (c) *Notwithstanding* Section 27005 of the Government Code,
33 or any other section requiring orders for warrants or warrants to
34 be signed by the county auditor, the county treasurer in counties
35 subject to this section shall pay warrants ~~which~~ that are signed by
36 the county superintendent of schools, and the county auditor shall
37 not be liable under his or her bond or otherwise for any warrant
38 issued pursuant to this section.

39 This

1 (d) This section shall apply only in those counties in which the
2 county board of supervisors has adopted its provisions by
3 resolution.

4 SEC. 34. Section 85280 of the Education Code is amended to
5 read:

6 85280. When any order against the funds of a community
7 college district is presented to the county superintendent of
8 schools, and the order constitutes a valid claim against the funds
9 of the district, and moneys are not available in the funds of the
10 district from which to pay the order, ~~he~~ the county superintendent
11 shall endorse on the order the words "Not approved for want of
12 funds" funds," and shall register the order in the records of his or
13 her office.

14 SEC. 35. Section 85281 of the Education Code is amended to
15 read:

16 85281. The county superintendent of schools shall number
17 and date the registered order, and shall transmit the registered
18 order to the governing board of the community college district
19 ~~which that~~ drew the order, ~~and it~~. The governing board shall
20 deliver the registered order to the payee or ~~his~~ to the order of the
21 payee. From the date of registration, the registered order shall
22 bear interest at the rate of 5 percent per annum until the date
23 upon which notice is given, pursuant to this article, that the
24 county superintendent of schools is ready to approve the
25 registered order.

26 SEC. 36. Section 85282 of the Education Code is amended to
27 read:

28 85282. Whenever moneys are available for the payment of
29 the registered order, the county superintendent of schools shall
30 give notice, in a newspaper published in the county, or if there is
31 no newspaper, by written notice posted at the courthouse, stating
32 that he or she is ready to approve the order. The notice may list
33 any number of registered orders of one or more districts for the
34 payment of which moneys are available, giving the name or
35 names of the district or districts and listing the registered orders
36 in the order of registration for each district.

37 SEC. 37. Section 85284 of the Education Code is amended to
38 read:

39 85284. The county superintendent of schools shall approve
40 the registered orders of each district, and sign them as

1 requisitions on the county auditor, in the order of their
2 presentation.—~~He~~ *The county superintendent* shall enter on each
3 the amount of interest due and the total amount, including
4 principal and interest, payable. Each approved registered order
5 shall thereupon be governed by the procedure established in this
6 code relative to payments from community college district funds.

7 *SEC. 38. Section 85288 of the Education Code is amended to*
8 *read:*

9 85288. The county superintendent of schools shall report to
10 the county treasurer and the county auditor within 10 days after
11 the end of each month the amount of the interest computed
12 pursuant to this article. The report shall show each district for
13 which interest has been computed, the numbers of the registered
14 orders for which the interest is to be paid, and the total amount of
15 the interest charged to each district.—~~He~~ *The county*
16 *superintendent* shall also, upon transmitting to the governing
17 board of a community college district registered orders which
18 have been approved and allowed as warrants against the funds of
19 the district, report in writing to the clerk or secretary of the
20 district the amount of interest computed on the registered orders
21 and the numbers of the registered orders for which the interest is
22 to be paid.

23 *SEC. 39. Section 85301 of the Education Code is amended to*
24 *read:*

25 85301. When any order on community college district funds
26 is received by the county superintendent of schools, and there is
27 insufficient money in the fund or funds against which the order is
28 drawn to pay the order in full, the county superintendent shall
29 endorse on the order “to be registered for lack of sufficient
30 funds,” sign, date, and number it as a requisition on the county
31 auditor, and transmit the requisition to the county auditor. The
32 county auditor shall endorse on the order “examined and
33 allowed,” sign, date, and number it as a warrant on the county
34 treasurer, and return the warrant to the county superintendent of
35 schools, who shall transmit it to the governing board of the
36 community college district for issuance to the payee or to his *or*
37 *her* order.

38 *SEC. 40. Section 85302 of the Education Code is amended to*
39 *read:*

85302. When the warrant is presented to the county treasurer for payment, he *or she* shall endorse, register, advertise, and pay it, with interest at the rate of 5 percent per annum, in the manner prescribed, as nearly as may be, for county warrants in Sections 29821 to 29824, inclusive, and Sections 29826 and 29827 of the Government Code.

SEC. 41. Section 87061 of the Education Code is amended to read:

87061. If an employee of a community college district, including a district having the merit system as outlined in Article 3 (commencing with Section 88060) of Chapter 4, employed in an academic position is assigned to a position in the classified service of the same district, the employee shall retain all sickness and injury, sabbatical leave, and other rights and benefits. All seniority and tenure rights accumulated by the employee at the time of assignment to the position in the classified service shall be secured to the employee during the period of time he or she occupies a position in the classified service. The employee's return to academic service at any time shall be treated as if there had not been an interruption in his or her ~~certificated~~ *academic* service.

SEC. 42. Section 87781 of the Education Code is amended to read:

87781. (a) (1) Every academic employee employed five days a week by a community college district shall be entitled to 10 days' leave of absence for illness or injury and any additional days in addition thereto that the governing board may allow for illness or injury, exclusive of all days he or she is not required to render service to the district, with full pay for a college year of service. ~~An~~

(2) ~~An~~ employee employed for less than five schooldays a week shall be entitled, for a college year of service, to that proportion of 10 days' leave of absence for illness or injury as the number of days he or she is employed per week bears to five, and is entitled to those additional days in addition thereto as the governing board may allow for illness or injury to ~~certificated~~ *academic* employees employed for less than five schooldays ~~a week; pay per week. Pay for any day of those absences shall be the same as the pay that would have been received had the employee served during the day. Credit~~

1 **(b)** *Credit* for leave of absence need not be accrued prior to
2 taking leave by the employee, and the leave of absence may be
3 taken at any time during the college year. If the employee does
4 not take the full amount of leave allowed in any school year
5 under this section, the amount not taken shall be accumulated
6 from year to year with additional days as the governing board
7 may allow.

8 ~~The~~

9 **(c)** *The* governing board of each community college district
10 shall adopt rules and regulations requiring and prescribing the
11 manner of proof of illness or injury for the purposes of this
12 section. These rules and regulations shall not discriminate against
13 evidence of treatment and the need therefor by the practice of the
14 religion of any well-recognized church or denomination.

15 ~~Nothing~~

16 **(d)** *Nothing* in this section shall be deemed to modify or repeal
17 any provision in Chapter 3 (commencing with Section 120175)
18 of Part 1 of Division 105 of the Health and Safety Code.

19 ~~Section~~

20 **(e)** *Section* 87780 does not apply to the first 10 days of
21 absence on account of illness or accident of any employee
22 employed five days-a *per* week or to the proportion of 10 days of
23 absence to which the employee employed less than five days-a
24 *per* week is entitled hereunder on account of illness or accident
25 or to additional days granted by the governing board. Any
26 employee shall have the right to utilize sick leave provided for in
27 this section and the benefit provided by Section 87780 for
28 absences necessitated by pregnancy, miscarriage, childbirth, and
29 recovery therefrom.